IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.148 OF 2007
IN
CRIMINAL APPEAL NO.151 OF 2007

Sanjay Gajanan Ghorpade ...Applicant
Vs.
State of Maharashtra
Through Haveli Police Station, Pune. ...Respondent

Mr. S.A. Sawant, Advocate for Applicant
Mrs. S.D. Shinde, A. P. P for the State

CORAM: DR. S. RADHAKRISHNAN &
SMT.ROSHAN DALVI, JJ.
DATED: 9TH JULY, 2007

P.C.

1. Heard learned Counsel for the Applicant and the learned A.P.P for the State. The Applicant has been convicted under Section 235 of the Code of Criminal Procedure for the offence punishable under Section 302 of Indian Penal Code for the homicidal death of his wife on her failure to fulfill the dowry demand.

2. Perused the Judgment of the learned Sessions Judge, Pune and the evidence. The defence raised by the applicant is that the deceased wife died due to electric burns. However, on a

perusal of the Judgment we find that from the spot panchanama dated 7th July, 2004 it is found that the switch of the bulb in the bathroom was absolutely normal and the burnt saree which was recovered from the spot had the smell of kerosene. The said spot panchanama is supported by the Chemical Analyst's report, which also found a residue of kerosene on the saree of the victim after the incident. Over and above the applicant in his statement under Section 313 of Code of Criminal Procedure has categorically stated that he does not even know what happened and how his wife died. There is no dispute that the applicant/husband had taken victim/wife to the hospital, and that he was present in the house when the incident took place.

3. Having regard to all the aforesaid facts and circumstances, and the Judgment of the learned Sessions Judge, it cannot be said that the Judgment is not based on legal evidence. Under the aforesaid circumstances, we dismiss the application of the applicant for bail.

(SMT. ROSHAN DALVI,J.) **(DR. S. RADHAKRISHNAN, J.)**